

U.S. DEPARTMENT OF LABOR Employment and Training Administration Washington, D.C. 20213	CLASSIFICATION U1/UCX
	CORRESPONDENCE SYMBOL TEUM1
	DATE October 8, 1986

DIRECTIVE : UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 62-86  
 TO : ALL STATE EMPLOYMENT SECURITY AGENCIES  
 FROM : DONALD J. KULICK *[Signature]*  
 Administrator  
 for Regional Management  
 SUBJECT : Nonconforming Narrative Reasons for Separation  
 Do Not Affect Eligibility of Certain  
 Individuals for UCX Benefits

1. Purpose. To provide guidance in making UCX eligibility determinations.

2. Background. Recently, the Department of the Air Force raised a question regarding whether or not former members of the Air Force, who have completed a first "full-term" of active military service and subsequently are discharged with a nonconforming narrative reason (such as "Misconduct-Drug Abuse," "Failure to Meet Body Weight Standard," "Unsatisfactory Performance," etc.), are eligible for UCX benefits.

3. Summary. If an ex-servicemember has completed a first "full-term" of active military service and was "honorably discharged," the fact that a nonconforming narrative reason is indicated in item 28 of DD Form 214 does not affect the individual's eligibility for UCX benefits. In this situation, the nonconforming narrative reason is not applicable since the individual has met the first "full-term" of active military service requirement, which thereby precludes consideration of the nonconforming narrative reasons.

4. Discussion. An individual has qualifying "Federal service" as defined in section 8521(a)(1) of the UCX law if the individual meets the requirements of either subparagraphs (A) and (B)(i) or subparagraphs (A) and (B)(ii). The individual does not have to qualify under both (B)(i) and (B)(ii).

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Section 8521(a)(1)(B)(i) applies to individuals who are discharged or released after completing a first full-term of active service.

Section 8521(a)(1)(B)(ii), which specifies qualifying reasons for separation, only applies to individuals who have not completed a first full-term of active service and thus do not qualify under (B)(i) of section 8521(a)(1).

Therefore, a former servicemember who was honorably discharged after completing a first full-term of active service, but with a nonconforming narrative reason stated in item 28 on the DD Form 214, such as "Misconduct Drug Abuse," meets the requirements of (A) and (B)(i) of section 8521(a)(1) and is eligible for UCX benefits. The narrative reasons for separation are irrelevant to the claimant's eligibility for UCX benefits.

5. Action Required. SESAs are requested to provide the above information to appropriate staff members.

6. Inquiries. Direct inquiries to the appropriate Regional Office.